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Claims 58-75 currently remain in the application.

Rejections under 35 U.S.C. § 102

The Examiner rejected claim 58-68 and 71-74 under 35 U.S.C. § 102(b) as being anticipated by Mathur et al (U.S. Patent 5,742,825). The rejection is respectively traversed.

A search of Mathur by the Applicant indicates that Mathur doesn't cite the term wager, game or gaming. The reference cited by the Examiner doesn't appear to describe any type of gaming or wagering.

The MPEP 8th addition, Revision 5, August 2006, section 2111.01, page 2100-38 states "the words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification." Further on page 2100-39, it states, "The ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention." In addition, section 2106, page 2100-7, states, "USPTO personnel are to correlate each claim limitation to all portions of the disclosure that describe the claim limitations. This is to be done whether the claimed invention is defined using means or step plus functions language. The correlation step will ensure that USPTO personnel correctly interpret each claim limitation." Further on this page, USPTO personnel must always remember to use the perspective of one of ordinary skill in the art. Claims and disclosures are not be evaluated in a vacuum. If elements of an invention are well known in the art, the applicant doesn't have to provide a disclosure that describes those elements."

In regards to claims 58-68, claim 58 recites, "the controller further comprising a game state storage, a non-volatile storage, computerized game controller being operable to control a computerized wagering game." Examiner recites this limitation is anticipated by (Col. 1 53-58) in Mathur. Col. 1, 53-58 in Mathur recites,

"This IPC mechanism allows application programs to talk to each and to talk to processes in the operating system. Communication among processes may play an important role in scheduling of processes to be executed by the CPU. By controlling scheduling, the operating system controls usage of CPU time by Processes in the system."

Applicant fails to see how this description in Mathur in any way anticipates the limitation of claim 58 cited by the Examiner. For a 102 rejection, the reference must anticipate all of the claim elements. Therefore, for at least this reason, Mathur can't be said to anticipate claims 58-68.

In regards to claims 71-74, claim 71 recites, "the system handler application operable to initiate a game based on data variables stored in a non-volatile storage, the system handler application operable to write game data variables to at least one of the game state storage and

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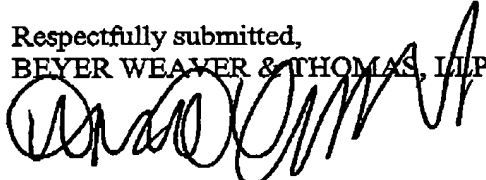
non-volatile storage, the system handler application is operable to load at least one of the gaming program shared objects in response to a change in the stored game data variables by another of the at least one gaming program shared objects." Examiner states this limitation is taught by (Col. 3, lines 9-13, where a gaming shared object is a specific type of generic shared object). Col. 3, lines 9-13, "A software module is reentrant if it can be 1) be called by a first program and be partially run; 2) be interrupted by a second program (and either partially run, or run to conclusion), and 3) the be reentered by the first program without loss of information." Applicant fails to see how this description in Mathur in any way anticipates the limitation of claim 71 cited by the Examiner. For a 102 rejection, the reference must anticipate all of the claim elements. Therefore, for at least this reason, Mathur can't be said to anticipate claims 71-74.

The Examiner rejected claim 69-70 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mathur et al (U.S. Patent 5,742,825) in view of Marrington et al. (U.S. patent 4,757,505). The rejection is respectfully traversed.

Examiner relies on Marrington to teach a "system for use with a PC such that loss of power does not result in loss of the state of the computerized wagering game system." A search of Marrington doesn't find the terms, "game," "gaming," "wager" or "wagering" cited in this reference. The teachings cited by the Examiner or the Marrington reference in general doesn't provide any teaching or suggestion that corrects the deficiencies describe above with respect to Mathur. Therefore, for at least these reasons, the combination of Marrington and Mathur can't be said to render obvious claims 69-70 and the rejection is believed overcome thereby.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP


David P. Olynick
Reg. No.: 48,615

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100, ext. 231